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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,347	11/20/2003	Michael P. Williams II	0301A-000042	9873

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EXAMINER	
LEE, EDMUND H	

ART UNIT	PAPER NUMBER
1732	

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/718,347	WILLIAMS ET AL.	
	Examiner	Art Unit	
	EDMUND H. LEE	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *11-17,20-24,26-28 and 37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *11-17,20-24,26-28 and 37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11,12,13,15,17,20,21,22,23, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Smith et al (USPN 6319438). Smith et al teach the claimed process as evident at figs 11-24. It should be noted that Smith et al teach a color layer thickness of about 0.0030 inch to .060 inch, and a clear coat thickness of about 0.00015-.040 inch (col 9, lns 20-30; col 17, lns 50-65).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 14,16,26,27 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (USPN 6319438). The above teachings of Smith et al are incorporated hereinafter. Smith et al also teaches pre-heating the film layer prior to thermoforming (figs 11-24); and positioning the pre-heated sheet against a thermoforming mold (figs 11-24). Smith et al, however, does not teach pre-cooling a thermoforming mold; applying an adhesive between the foam layer and the bulk layer; and using an aluminum material injection mold. In regard to pre-cooling a

thermoforming mold, such is well-known in the thermoforming mold in order to ensure uniform deformation of the material. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to pre-cool the thermoforming mold of Smith et al in order to ensure that the film of Smith et al deforms uniformly. In regard to applying an adhesive between the foam layer and the bulk layer, such is well-known in the molding art in order to ensure proper bonding between layers. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply an adhesive between the foam layer and bulk layer of Smith et al in order to ensure that the layers are properly bonded. In regard to using an aluminum material injection mold, such is a mere obvious matter of choice dependent on equipment availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, aluminum molds are well-known in the molding art. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an aluminum mold in the process of Smith et al in order to achieve good molding.

5. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al (USPN 6319438). Smith et al teach the basic claimed process including a method for forming a multilayered polymeric component (col 9, lns 20-30; col 17, lns 50-65; figs 11-24); co-extruding a film layer having a thickness between approximately 0.30 mm and 0.7 mm using the steps of: forming a color layer, and binding the color layer to a bulk layer (col 9, lns 20-30; col 17, lns 50-65; figs 11-24); thermoforming the film layer (col 9, lns 20-30; col 17, lns 50-65; figs 11-24); positioning the thermoformed film layer in a

mold of a molding machine (col 9, lns 20-30; col 17, lns 50-65; figs 11-24); and bonding a foam layer in the mold to the thermoformed film layer, allowing the foam layer to expand in the mold at a pressure (col 9, lns 20-30; col 17, lns 50-65; figs 11-24). It should be noted that Smith et al also teach using a low pressure injection molding device (col 14, lns 27-33). Smith et al, however, do not teach the claimed mold pressure. Since Smith et al teach low-pressure injection molding, the specific mold pressure is a mere obvious matter of choice dependent on the equipment availability and of little patentable consequence to the claimed process since it is not a manipulative feature or step of the claimed process. Further, the claimed pressure would have been obviously and readily determined through routine experimentation by one having ordinary skill in the art the time the invention was made. The claimed pressure is generally well-known in the molding art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the foam of Smith et al to expand in the mold of Smith et al at the claimed pressure in order to form a high quality product. See *In re Boesch*, 617 F.2nd 272,276, 205 USPQ 215, 219 (CCPA 1980) ("[D]iscovery of an optimum value of a result effective variable in a known process is ordinarily within the skill of the art").

6. Applicant's arguments filed 5/25/06 have been fully considered but they are not persuasive. Applicant argues that Smith et al do not teach a film layer having the claimed thickness because applicant argues that the color layer thickness of Smith et al is 0.030 inch and the clear coat thickness of Smith et al is 0.00015 inch. This argument

is misplaced because Smith et al teach the color layer having a thickness between about 0.003 inch to about 0.06 inch (col. 9, lns 20-30). Therefore, Smith et al teach a film having a thickness that falls within the claimed range.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Both USPNs 5544659 and 4243760 teach injection molding foam into a mold, wherein the pressure is up to 300 psi..

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H. LEE whose telephone number is

571.272.1204. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571.272.1176. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

EDMUND H. LEE
Primary Examiner
Art Unit 1732

EHL

7/31/06